

REMARKSStatus of claims

Claims 1-31 remain in this application. Claims 8, 16, 23 and 26 are currently being amended. Applicant acknowledges with gratitude the allowance of claims 1-5.

Claim Rejections – 35 USC § 112

Claims 8, 16, 23 and 26 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner alleges that “conventional panel” as used in the above claims renders those claims indefinite. Applicant has amended claims 8, 16, 23 and 26 by changing “conventional” to “standard patch” such that the disputed term now reads as “standard patch panel.” “Standard patch panel” finds support in the as filed specification in at least the following places, page 4, line 8 and line 22; page 13, line 3 and page 14, line 7. In view of these amendments to claims 8, 16, 23 and 26, Applicant respectfully requests that the rejections under 35 USC §112 be withdrawn.

Claim Rejections – 35 USC § 102

Claims 14-17, 21-26 and 28-30 have been rejected under 35 U.S.C. 102(b) as being anticipated by Pan et al. (US Patent No. 5,652,814). It is well settled patent law that for Pan to serve as a basis for a valid 35 USC §102(b) reference, it must teach *each and every element* of the respective claims to which Pan is applied.

Pan discloses a fiberoptic coupler (abstract). As shown in at least Figs. 2, 7, 8 and 10, Pan utilizes a GRIN or conventional lens and glass sleeve to hold the fiber(s) and provide an interfacing means to another fiber configured in a similar manner (abstract, col. 4, line 66, to col. 5, line 10). As shown in at least Figs. 7 and 11, Pan discloses a coupler in conjunction with the lens and glass sleeve. Pan further discloses alternative embodiments comprising optical isolators, wavelength dependent filters, and WDM

isolators; however, nowhere does Pan disclose or suggest an embodiment making use of a connector. In fact, the elements recited in Figs. 7 and 11, upon which the Examiner relies in support of the §102 rejection, consist solely of input fibers 70, 71, glass sleeve 73, central opening 77, GRIN lens 74, GRIN lens 75, glass sleeve 76, central opening 78, output fiber 72, and a long pass filter 44 (Fig. 11). The embodiment of Fig. 7 has a dashed box around it with no accompanying description as to what it represents; however, since the introduction to Fig. 7 indicates that the figure deals with an “embodiment of a fiberoptic coupler” (col. 7, lines 38-42) any implicit or explicit reference to a “connector,” of any type, can clearly be dismissed. In fact, nowhere in the description of Fig. 7 does the word “connector” appear (col. 7, line 38 to col. 8, line 17). In fact, after reading the entire specification and claims of Pan, Applicant could not find the word “connector” appearing even once.

Simply stated, Pan does not teach or suggest “a connector”. Since Applicant’s claims 14-17, 21-26 and 28-30 each recite “connector” either explicitly or by way of dependency, Pan does not anticipate any of these claims. And therefore, any 35 USC §102(b) rejection based on Pan is invalid and should be withdrawn. In view of the above arguments, Applicant respectfully requests that the rejections of claims 14-17, 21-26 and 28-30 under 35 USC §102(b) be withdrawn and that these claims be allowed.

Claim Rejections – 35 USC § 103

Claims 18-20, 27 and 31 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Pan et al. (US Patent No. 5,652,814). As the Examiner knows, a prima facie showing of obviousness under 35 U.S.C. § 103(a) using a single reference requires (1) some suggestion or motivation, either in the reference itself or in the knowledge generally available in the art, to modify the reference; (2) a reasonable expectation of success in so modifying; and (3) *the prior art reference must teach or suggest all the claim limitations*. See MPEP § 2143 (8th Ed. Rev. 1, Feb. 2003) (emphasis added). Furthermore, it is well established patent practice that a suggestion to modify a prior art device *must be found in the prior art* and not in the Applicants’ specification (In re Fritch, 23 USPQ 2d 1780, 1783-84, (Fed. Cir. 1992)) (emphasis added).

As previously discussed in connection with the §102(b) rejections, Pan fails to teach or suggest a “connector” of any type. Since each of Applicant’s claims 18-20, 27 and 31 recite “connector” either directly or by way of dependency from a claim reciting “connector”, Pan does not render them obvious. As a result, the 35 USC §103(a) rejection of claims 18-20, 27 and 31 is improper as it fails to support a prima facie showing of obviousness. Withdrawal of the 35 USC §103(a) rejection and allowance of claims 18-20, 27 and 31 is respectfully requested in view of the above arguments.

Claims 6-13 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Kusuda et al. (US Patent No. 6,644,866) in view of Pan et al. (US Patent No. 5,652,814). In the Office Action, the Examiner states “However, Kusuda et al. does not disclose the he [*sic*] connector to be a coupler connector assembly” (Office Action, paragraph 7, page 4). As pointed out in the arguments above, Pan also fails to teach or suggest a “connector.” Since, the Office Action states that Kusuda fails to cure this fatal defect in Pan, combining Kusuda and Pan still fails to teach a “connector”. Since “connector” is recited in Applicant’s claims 6-13, a 35 USC §103(a) rejection under Kusuda and Pan is improper and should be withdrawn. Applicant respectfully requests that the rejection of claims 6-13 be withdrawn and that these claims be allowed.

CONCLUSION

In view of the amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone call would expedite the prosecution of this case, the Examiner is invited to call the undersigned at (508) 416-2474.

Respectfully submitted,
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